

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. McTIGUE
DIRECTOR

March 10, 1994
AO-94-08

William H. Shaevel, Esq.
Shaevel & Krems
99 Summer Street
Boston, MA 02110

Re: Appreciation party for legislative aide

Dear Mr. Shaevel:

This letter is response to your February 14, 1994 request for an advisory opinion regarding the legality of an expenditure by a political committee for a party in appreciation of work done by a legislative assistant.

You have stated that a state representative has held a going away party for his legislative assistant who was leaving the state after several years of service. The former assistant is not a candidate for office. Those invited included representatives of legislative groups and individuals interested in various legislative issues who had worked with the representative and the assistant for a number of years. Also invited were other staff members from the state representative's office. The party was hosted at the State House in the Great Hall.

You have asked if the political committee may properly pay for the party.

M.G.L. c. 55, s. 6 provides, in pertinent part, that political committees organized on behalf of candidates for state representative

may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate . . . , for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use, provided, however, that the director shall establish reasonable rules and regulations concerning such expenditures . . . [emphasis added].

When applied to a campaign of an incumbent legislative candidate, the phrase "personal use," in the context of the campaign finance law as amended by Section 379 of Chapter 133 of the Acts of 1992, refers to any use with a primary purpose other than: (1) enhancing the political future of the candidate, if the expenditure bears a reasonable relationship to the candidate's election or nomination;

(2) providing constituent or legislative services; or (3) opening or maintaining a legislative district office. Such personal use may include, but is not necessarily limited to business, family and social use. See M.G.L. c. 55, ss. 1 and 6, and AO-92-31.

Pursuant to M.G.L. c. 55, ss. 3 and 6, the office has issued regulations regarding expenditures by political committees. The regulations do not refer to gifts or parties for legislative aides. However, 970 CMR 2.06(3)(b)(1) provides that committees may make expenditures for gifts to a campaign worker, provided that the gift accurately reflects the contribution made by the worker to the efforts of the political campaign, and provided the gift is made in a timely fashion as to clearly indicate that its purpose is to express gratitude for work done on behalf of the campaign. In AO-85-02, this office advised that a state representative's political committee could hold an appreciation party for campaign workers and supporters. "Bestowing a gift which takes the form of an appreciation party for campaign workers would be appropriate under [970 CMR 2.06(3)(b)(1)]."

The regulations were last revised prior to a 1992 amendment to M.G.L. c. 55, s. 6 which excluded expenses relating to constituent and legislative services from the term "personal use." As amended, M.G.L. c. 55, s. 6 now provides, in pertinent part:

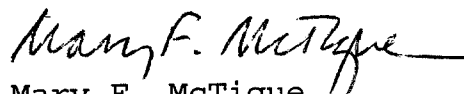
For the purposes of this section the term "personal use" shall not include expenses relating to the provision of constituent or legislative services or to the opening or maintaining of a legislative district office. . . .

Reading the law and the regulations together in the context of the services provided by a legislative assistant, I conclude that a party recognizing the contributions of the legislative assistant was an appropriate expenditure since it was primarily a recognition of the assistant's role in providing legislative services.¹

This opinion is based solely on the representations made in your letter and has been rendered solely in the context of M.G.L. c. 55.

Please do not hesitate to contact this office if you have any additional questions.

Very truly yours,


Mary F. McTigue
Director

MFM/cp

1. Since I believe that the event was primarily related to providing legislative services, I have not considered your additional argument that the expenditure would be permissible since it would enhance the political future of the candidate and be reasonably related to the candidate's election.